IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WA.No. 1074 of 2007()

AGAINST THE JUDGEMENT IN WPC.17400/2006 Dated 26/02/2007
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APPELLANT: THIRD RESPONDENT

KUNJUKUTTAN @ KARAPPAN, S/O RAMAN,
PLAKKUNNIL HOUSE, PALLAM PALLIKARA DESOM,
NEDUMPURA VILLAGE, TALAPPILLY TALUK,
P.O.PALLAM, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: PETITIONER AND THE RESPONDENTS 1 AND 2
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1. SAKUNTHALA,
W/O MUTHASSAMTHODI @ SIVASANKARAN AND
D/O PAKKAT GOPALAN, NEDUPURA DESOM,
TALAPPILLY TALUK, THRISSUR DISTRICT.

2. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL LINES BUILDING,
AYYANHOLE, THRISSUR.

3. THE TAHSILDAR, TALAPPILLY TALUK OFFICE,
WADAKKANCHERY, THRISSUR DISTRICT.

BY SR.GOVT. PLEADER MR.M.R.SABU

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A. No.1074 of 2007

Dated, this the 6th day of June, 2007

JUDGMENT

H.L.Dattu, C.J.

Challenging the orders and directions issued by this Court in W.P.(C) No.17400 of 2006 dated 26th February, 2007, the third respondent in the writ petition has filed this writ appeal.

2. The learned Single Judge while disposing of the writ petition has stated as under:

> "In view of the materials on record, after hearing the learned counsel for the Petitioner, the learned Government Pleader and the learned counsel for the third respondent, this writ petition is disposed of directing that the possession certificate will be issued to the petitioner without prejudice to the contentions between the parties before the civil court."

3. The learned counsel appearing for the appellant would submit that in view of the directions issued by this Court, the petitioner in the writ petition will be in a position to cut and remove the trees standing on the land and that may change the characteristics of the land itself. Therefore, according to the learned counsel, the learned Single Judge should not have directed the authorities to give possession certificate to the petitioner in the writ petition.

4. The learned Judge while directing the authorities to give possession certificate to the petitioner has reserved liberties to agitate their contentions in a suit that is pending before the civil court. The right so reserved will take care of the imaginary grievance of the appellant.

In view of the above, we are of the firm opinion that the learned Single Judge has not committed any error whatsoever which would call for our

interference in this appeal. Accordingly the writ appeal requires to be rejected and it is rejected. Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns